

Remarks/Arguments:

This Amendment is intended to be a complete response to the Office Action dated July 5, 2006, and the case is now believed to be in better condition for allowance. Accordingly, reconsideration is respectfully requested. Claims 1-6 are pending in the application, and stand rejected at present.

Claims 1 – 6 were rejected under 35 U. S. C. 103(a) as being unpatentable over Parlar et al. (USP 6,631,764) in view of Fisher et al. (USP 3,753,903). Claim 1 has been amended herein to include the feature that the composition comprises gravel and a brine-in-oil emulsion based carrier fluid. To the extent that the examiner maintains the rejection, Applicant traverses. Fisher '903 teaches the requirement of a mixture of two emulsifiers: (1) an oil soluble emulsifier, and (2) a water soluble emulsifier. Fisher '903 does not teach brine-in-oil emulsions stabilized by a brine-in-oil emulsion forming emulsifier (oil soluble emulsifier), and provides no option to consider using anything different than a mixture of emulsifiers. Applicant believes combining the teachings of Parlar et al. with those of Fisher et al. would not result in the invention as claimed by applicants, and would result in something other than a brine-in-oil emulsion carrier fluid stabilized by a emulsifier based on at least one sorbitan fatty acid. Hence, Applicant believes the invention as claimed is non-obvious and respectfully requests the rejection be withdrawn.

Amendments to the independent claims have been made to place the application in better condition for allowance. Amendments made to the independent claims are applicable to the claims dependent thereon. Applicants submit that this paper is fully responsive to the comments in the Office Action and respectfully solicit for this application to be granted in light of these amendments and remarks. If the Examiner believes that the prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-8606.

Appl. No. 10/707,658
Amdt. Dated: October 3, 2006
Response to Office Action Dated July 5, 2006

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 04-1579 (56.0773).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DLC', is written over the typed name.

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